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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

DAVID and JAYNE BOND, individuals and  
partners doing business as MAC-U-STORE,

Plaintiff,

v.

FIRST NATIONAL INSURANCE  
COMPANY, a business entity, form  
unknown,

Defendant.

Civil No.: \_\_\_\_\_

**NOTICE OF REMOVAL**

TO: Clerk of the Court,  
AND TO: David and Jayne Bond; and  
AND TO: Louis A. Ferreira and C. Andrew Gibson, Stoel Rives, Attorneys for  
Plaintiffs

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1332, 1441, and 1446, Defendant  
First National Insurance Company (“Defendant”) removes to this Court the state court action  
described below. In support of this notice, Defendant states as follows:

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**NOTICE OF REMOVAL Page 1**

1. On January 9, 2015, Plaintiffs David and Jayne Bond (“Plaintiffs”) filed an action in the Circuit Court of the State of Oregon for the County of Yamhill captioned *David and Jayne Bond v. First National Insurance Company*, Case No. 15CV00800 (the “State Court Action”).

2. The State Court Action is a civil action for damages.

3. On January 15, 2015, Defendant was served with Plaintiffs’ Complaint in the State Court Action.

4. Defendant is filing this Notice of Removal within thirty (30) days after service of the Complaint upon it. Thus, under 28 U.S.C. § 1446(b)(1), Defendant’s time to remove and to respond to the Complaint has not yet expired.

**A. This Court Has Removal Jurisdiction Based Upon Complete Diversity of the Parties and the Requisite Amount in Controversy.**

5. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction under 28 U.S.C. § 1332 based upon the complete diversity between the parties.

6. Individually, Plaintiffs are residents of the state of Oregon. As partners, Plaintiffs’ business, Mac-U-Store, has its principal place of business in Oregon. Therefore Plaintiffs are citizens of Oregon for the purposes of determining diversity of citizenship.

7. Defendant is a company organized under the laws of the State of New Hampshire and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts.

8. Plaintiff’s Complaint seeks damages in the amount of \$370,000 for the sole count in the Complaint. As required by 28 U.S.C. § 1332, the amount in controversy, excluding costs and interest, is in excess of \$75,000.

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**B. Venue.**

9. Venue is proper in the United States District Court for the District of Oregon because Plaintiffs allege in the Complaint that the property loss occurred at storage buildings located at 1205-1240 N.E. 11<sup>th</sup> Way and between N.E. Alpine Avenue and N.E. 12<sup>th</sup> Avenue in the industrial area of McMinnville, Oregon. Pursuant to LR 3-2, the Portland Division is the proper division for filing because the allegations involve property located in Yamhill County.

**C. Procedure After Removal.**

10. The process, pleadings, and orders served upon Defendant in this action are the summons and original Complaint. In accordance with 28 U.S.C. § 1446(a), true and correct copies of these pleadings, process, and orders, as well as all additional records and proceedings in the state court, are attached as Exhibit A to this Notice of Removal.

11. In accordance with 28 U.S.C. § 1446(d), Defendant will file in the Yamhill County Circuit Court a Notice to Plaintiffs and the State Court Clerk of Removal to U.S. District Court, attached to which will be a copy of this Notice of Removal.

12. By filing this Notice of Removal, Defendant does not waive, and it expressly reserves, all rights, defenses, or objections of any nature that it may have to Plaintiffs' claims.

DATED: February 13, 2015

BULLIVANT HOUSER BAILEY PC

By /s/ John A. Bennett

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